



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,039	02/17/2004	Sanford Henick	36869-297371	8365

7590 06/02/2006
J. Michael Boggs
Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400

EXAMINER	
DAVIS, CASSANDRA HOPE	
ART UNIT	PAPER NUMBER
3611	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/781,039	Applicant(s) HENICK ET AL.	
	Examiner Cassandra Davis	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 16-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 11-21 and 27-30 is/are rejected.
- 7) ☒ Claim(s) 5, 9, 10 and 22-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 16-21 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 20, 2006.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 6, 11, 12-15, 27, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner, U. S. Patent 2,769,276 in view of Henick, U. S. Design Patent 444,633.

3. Henick teaches a mobile adapted to display photographs comprising a frame comprising base and three arc shape support member and a hanging assembly mounted to each support member. Each hanging assembly includes a horizontally disposed arm with a middle balancing point and loops on opposite end thereof for the suspension and balancing

of display items such as picture frame. Henick does not teach the hanging assembly including a freely rotatable connector.

4. Steiner teaches a mobile adapted to suspend three-dimensional objects 21 comprising an arc shaped support arm 10 and hanging assembly. The hanging assembly includes an upper loop 14, a swivel member/freely rotating connector 13, and horizontal arm 18 having loops 19 at opposite ends thereof. Each loop further supports the three-dimensional bird 21.

5. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the mobile taught by Henick with the hanging assembly with the swivel member taught by Steiner to increase the aesthetic appearance of the device by increasing the rotation ability of each display item.

6. With respect to claims 11 and 12, both Steiner and Henick teaches a plurality of display items suspended from at least one end of the arm.

7. With respect to claim 3, Both Steiner and Henick teach the arm made of a stiff rod or wire.

8. With respect to claim 7, Steiner teaches a swivel having an upper eye hook 14 and a lower eye hook 15 mounted to the central body 13 of the swivel.

9. Claims 2 and 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henick in view of Steiner as applied to claim 1 above, and further in view of Nursery Birds by Kenner, copyright 1954. Nursery Bird teaches a mobile adapted to suspend three-dimensional birds comprising an arc shaped support arm and hanging assembly. The hanging assembly that allow the Butterflies to swing and circle freely and horizontal arm having closed loops at opposite ends thereof and a closed center loop. The end loops further supports the three-dimensional bird 21. The center loop corresponds to the balancing point.

10. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the mobile taught by Henick and Steiner with closed loops to provide a means to more securely retain the arms.

11. Claims 8 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henick in view of Steiner as applied to claim 1 above,

and further in view of Posey, 5,329,874. Posey teaches a hanging sign having a S-shaped hook 20 for suspending the device from a support.

12. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the mobile taught by Henick and Steiner with S-shaped hooks to provide a means to facilitate insertion and removal of the display items.


Allowable Subject Matter

13. Claims 5, 9, 10, 22-26 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cassandra Davis
Primary Examiner
Art Unit 3611

CD
May 30, 2006